

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERT CRUZ, JR.,

Plaintiff, No. CIV S-05-0913 GEB DAD P

vs.

DR. S. HAND, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

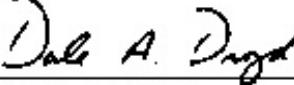
By order filed October 27, 2005, plaintiff's amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. On January 5, 2006, plaintiff was granted an additional thirty days to file a second amended complaint and was cautioned that no further extensions of time will be granted. The thirty day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 DATED: February 15, 2006.

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6 DALE A. DROZD
7 UNITED STATES MAGISTRATE JUDGE

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